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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,713	07/17/2003	Robert V. Walsh	5353	1542
7590	01/24/2005		EXAMINER	
John E. Vick, Jr. Legal Department, M-495 PO Box 1926 Spartanburg, SC 29304			MUROMOTO JR, ROBERT H	
			ART UNIT	PAPER NUMBER
			3765	

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/621,713	<b>Applicant(s)</b> WALSH ET AL.	
	<b>Examiner</b> Robert H Muromoto, Jr.	<b>Art Unit</b> 3765	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,5 and 14-16 is/are rejected.
- 7) ☒ Claim(s) 3,6-13 and 17-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/17/2003</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 5 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is not clear how the "bias direction" of the airbag can be "perpendicular" to the warp yarns. A configuration where the "bias direction" is perpendicular to the warp would no longer be considered biased. The general definition of bias, in this context, refers to any oblique or slanting line. So the configuration stated by claims 5 and 16, is confusing as the stated condition would no longer be considered to be "biased".

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Robertson '477.

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Robertson teaches “an inflatable restraint cushion for use on the passenger side of a motor vehicle formed by folding and seaming a material blank of textile fabric such that the seams enclosing the impact portion of the cushion are disposed substantially along the bias of the base fabric forming the cushion (col. 2, lines 33-39).”

“In accordance with an aspect of the present invention, the precut blank of material 10 as illustrated in FIGS. 1 and 5 and folded in accordance with FIGS. 6 and 7 may also be used as the body portion of a passenger's side frontal impact cushion by the addition of impact panels of extremely simple geometric configurations which preferably are characterized by substantially straight line configurations. Accordingly, if a vehicle is to utilize any combination of a frontal impact cushion, a side curtain cushion or a hip and torso protection cushion, a common precut blank of material 10 may be utilized in the manufacturing process thereby providing an opportunity to reduce complexity and overall cost of the total safety system (col. 7, line 35-48).”

“One possible layout for the precut material blank 110 is illustrated in FIG. 14E showing the utilization of base material when a single piece fabric blank is utilized. In a potentially preferred arrangement, fabric utilization **efficiencies may be raised to nearly 100 percent if the operator is willing to utilize a two piece fabric blank incorporating separately cut segments 190, 192 as shown in FIG. 14F** (col. 8, line 66- col. 9, line 5).”

“As will be noted by the skilled artisan, aside from the benefits of material utilization and seaming efficiency, the above described embodiments

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have the additional benefit of providing a seaming arrangement which permits the seams enclosing the impact portion of the cushions to be placed substantially along the bias of any base textile fabric which may be used to form the material blank 10, 110, 210, 310 from which the cushion is formed. That is, the material blank may be cut and folded such that the load bearing seams (ex. 220, 221, 226, 324, 330, 332) tend to run along lines approximately at a 45 degree angle to the primary yarn directions. Such an arrangement is believed to increase the strength of the resulting cushion, thereby permitting lower weight fabrics incorporating yarns having relatively low linear densities of about 210 to 315 denier or lower to be utilized with no adverse impact on performance (col.10, lines 46-61)."

These citations taken directly from Robertson teach essentially all the limitations of the claims listed above. The only limitation not specifically stated in Robertson is that the airbag is woven having an orientation that is biased to the warp. Although the instant invention claims the airbags are "woven" in a bias direction, it is clear from the specification and drawings that the airbag fabric is woven and then the airbags are cut from the fabric in a bias direction with respect to the warp. This arrangement and cutting of the airbags from the fabrics on the bias direction is considered to be equivalent to the arrangement of the textile blanks as recited in Robertson.

Robertson has also taught that, "such an arrangement is believed to increase the strength of the resulting cushion, thereby permitting lower weight fabrics incorporating yarns having relatively low linear densities

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**of about 210 to 315 denier or lower to be utilized with no adverse impact on performance** (col.10, .ines 46-61)."

Therefore it would have been obvious to one of ordinary skill in the art at the time of invention to weave side curtain airbags in which the longest dimension of the airbag is arranged bias to the warp direction to increase the strength, thereby permitting lower weight fabrics with no adverse impact on performance.

#### ***Allowable Subject Matter***

Claims 3, 6-13, and 17-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. References teaching airbag fabrics have been cited.

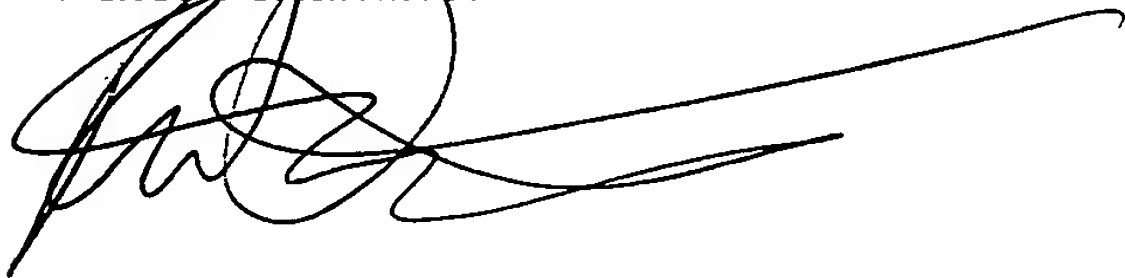
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H Muromoto, Jr. whose telephone number is 703-306-5503. The examiner can normally be reached on 8-530, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Calvert can be reached on 703-305-1025. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Bobby Muromoto  
Patent examiner

A handwritten signature in black ink, appearing to be 'Bobby Muromoto', written over the printed name and title.

1/12/2005